



**Department of Homeland Security
Web-based Basic Pilot Evaluation**

Case Study Employer Interview Protocols

Conducted by:
Westat

EMPLOYER LABEL:

INTERVIEW INFORMATION:

INTERVIEWER:

DATE OF INTERVIEW:

|_|_| |_|_| |_|_|
MONTH DAY YEAR

START TIME: |__:|:|__| a.m. or p.m.

END TIME: |__:|:|__| a.m. or p.m.

RESULT CODE: |_|_|

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TYPEFACES

Focus questions, general descriptions, and comments are printed in this type face. Focus questions, general descriptions, and comments are not to be read aloud.

Instructions to interviewers are printed in this typeface. Instructions are not to be read aloud.

Scripts and suggested questions to be read aloud to the respondent are printed in this typeface.

Introduction

SAY TO EMPLOYER:

- **(Welcome.)** Thank you for agreeing to take the time to talk with me today. This interview is part of a study of a pilot program sponsored by the US Citizenship and Immigration Services (USCIS). Your answers will be used to help us understand how well the Web-based Basic Pilot program is working.
- **(Goal of interview)** The goal of the evaluation is to understand how well the Web-based Basic Pilot is working and, if you feel there are any problems with it, making recommendations to USCIS about how it could be improved.
- **(Confirm confidentiality of responses.)** Your answers will be kept strictly confidential to the extent permitted by law and no individual responses or your establishment's name will be disclosed to any one not on the evaluation team. We will report the interview findings in group summaries. Additionally, we will not give your answers to your supervisor, other co-workers at your establishment, USCIS, or anyone else.
- **(Time.)** We anticipate that it will take about two hours to complete this interview and we may have to talk to more than one person at your establishment to obtain the information for some questions. In addition, during the process of our site visit, we may have other questions to clarify with you from time to time.

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Introduction

- **(Interview questions.)** I'd like to ask you questions about the application of the Web-based Basic Pilot Employment Verification system at your establishment. In answering the questions, please consider only this establishment. By that, I mean the business location, branch or division at this address. Please do not include information about other offices or sites of this firm.

- **(Format for this week's activities.)** In addition to interviewing you and other staff members who are involved in the verification of new employees' work authorization, we would like to do the following:
 - Observe the pilot system in operation, and
 - Review I-9 records for some of the employees who received tentative nonconfirmation findings. These employees were listed in the information we provided to you prior to our visit today.

- In addition to interviewing employers, we will be interviewing a sample of employees who received tentative nonconfirmation findings.

- Do you have any questions before we start the interview?

Focus question 1:

How would the employer characterize the establishment's general experience with using the WBP? What problems, if any, have occurred in using the system?

SAY TO EMPLOYER: This section is about your general experience with the operation of the WBP at your establishment. In addition to talking to you, I'd like to have a chance to talk to the actual data entry person(s) for verification and I'd also like to see the system in use. Would it be OK to do this after we finish talking or is there a more convenient time to perform the observation during our visit?

***Instructions to interviewers:** (After you and the employer agree on the arrangement, proceed to the following.) To find out about an employer's general experiences with the WBP you may ask the following questions:*

1. How long has your establishment been using the Web-based Basic Pilot program?
2. Have you used any computerized programs other than the Basic Pilot for verifying employment eligibility? If so, what program?
3. What challenges, if any, did you experience in registering for (signing up for) the WBP?
4. Did you experience any challenges with setting up the WBP for your company? For example, problems with setting up user accounts, taking the tutorial and Mastery Test, etc. Please explain.
5. Have you experienced any technical difficulties (e.g., cannot connect to the system, slow response time from the system, not having edit checks that prevent you from making mistakes) with using the WBP? Are these technical difficulties ongoing? How do you handle them?

6. Have you experienced any problems with data entry errors? How do you handle TNC findings that occur as a result of data entry errors?
7. How satisfied are you with the current version of the Web-based Basic Pilot?
8. Is there anything that you would like to see changed about the Web-based Basic Pilot? [PROBE IF NECESSARY] Would you explain what you mean in more detail?
9. What else would you like to share with us about your experience using the WBP?
10. Any other questions that may help us understand the employer's general experience with using the WBP.

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General Instructions for Focus Questions 2-5

SAY TO EMPLOYER:

Next I am interested in finding out more about the various procedures required by the Web-based Basic Pilot. For each type of procedure, I'm going to ask you to describe your understanding of what the procedures are. I'm doing that in order to find out whether USCIS has done a good job of explaining these rather complicated procedures to employers.

Then, I'll ask you whether you have implemented the procedures as you understand them and, if not, why not. The purpose of this is to find out if some of the requirements are not realistic from the employers' perspective, so that we can suggest that USCIS consider modifying some of the procedures.

Finally, I'll be asking you for any specific changes you would recommend that USCIS make in the program.

Focus question 2:

Does the employer ever use the WBP to prescreen job applicants or to screen employees other than new employees? If so, why? Should these procedures be changed?

Instructions to interviewers: To determine if the employer prescreens job applicants, you may ask the following suggested questions:

11. Would you describe your understanding of the WBP requirements with regard to when and who you should verify with the WBP? [** Note to interviewers: The purpose of this question is to let the employer talk about his/her own understanding of the verification process. Please allow the employer to finish without any interruption. When the person finishes, you may clarify the details with the person with questions such as:*]
 - a. At what point in the hiring process do you generally use the Web-based Basic Pilot program to verify a new employee's work status? (e.g., after a job offer but before the employee's first day of paid work, on the first day of paid work, within the first three days of work, more than three days after starting work, etc.); and
 - b. Can you provide more details about when and how you should be verifying employees using the WBP?
12. Are there ever times when you do not or cannot follow these procedures in verifying employees? (If yes) would you explain the reason why?
13. For what types of individuals does your establishment currently use the Web-based Basic Pilot program (e.g., job applicants, new employees who claim to be citizens or non-citizens, employees who worked at your establishment prior to the institution of the WBP, hourly employees, salaried employees, employees whose documents are suspicious, etc.)?
14. Any other questions that can help determine general hiring and verification procedures and whether the employer used the WBP to prescreen job applicants.

Focus question 3:

Does the employer inform employees (or job applicants, if the employer prescreens) about tentative nonconfirmation findings? If so, how do employees react to it? If not, why not?

3a. Process of delivering a notice of TNC

Instructions to interviewers: To determine if the establishment follows the WBP requirements for informing employees who received TNCs, you may ask the following suggested interview questions for this section (note: not all questions are relevant for all employers).

SAY TO EMPLOYER:

Next I would like to talk about what happens when you receive a tentative nonconfirmation finding about an employee/job applicant.

15. Would you share with me your understanding of what actions you should take when the WBP system returns a finding of tentative nonconfirmation for a new employee/ job applicant? [PROBE IF NECESSARY] What do you do next? What else do you do?
16. Are there ever times when you do not or cannot do this? Would you please explain when and why you would not follow these procedures?
17. What are the circumstances under which you would not notify an employee/job applicant that he/she has received a Tentative Nonconfirmation? Would you explain these situations? How often does this occur? (E.g. data entry error, did not want to bother employee, decided to fire employee/not hire job applicant instead of giving them the TNC notice.)

18. Have you ever tried to correct the problems with an employee's/job applicant's record yourself by contacting SSA or USCIS? Why did you do this? Would you explain what happened? How often do you do this?
19. Does following the WBP procedures for notifying employees of a tentative nonconfirmation cause any problems or burdens for you? [PROBE IF NECESSARY] Would you explain this in more detail?
20. Is the burden different depending on whether the employee has to contact SSA or USCIS?
21. Do you think that the procedures for notifying employees of TNCs should be changed in any way? If so, how?

If the employer's answers to the above questions have not addressed all of the topics below, you might want to ask some of the following prompts:

22. Do you always notify your employees/job applicants when they have received a Tentative Nonconfirmation (tell them that their paperwork has problems)? If not always, what are the reasons that prevent you from doing so?
23. How soon after you receive the TNC finding from the WBP system do you usually tell your employees/job applicants about the notice/the problems (prompts: same day, next day, etc.)? If not immediately, why not?
24. Do you always show your employees/job applicants the notice of Tentative Nonconfirmation and give them a copy of it? (show a TNC form) If not always, why not?
25. Where do you tell your employees/job applicants about the notice? Do you tell them privately (e.g., in a private office) or in a place where other people can hear you talk (e.g., in a shared work space)?

26. Do you usually tell your employees/job applicants that they can contest the findings if they wish? If not, why not?
27. Do you and your employee/job applicant always sign a copy of the TNC notice?
28. Do you always give your employees/job applicants a copy of the TNC notice with both your and the employee's signatures?
29. What do you do with the original signed TNC notice? Do you file it separately or with the employee's/ job applicant's Form I-9?
30. Are there any differences in what happens when the tentative nonconfirmation is from SSA than when it comes from USCIS? If so, what?
31. Any other questions that can help in obtaining the answer for the focus question in this section.

3b. Psychological impact on employees receiving a TNC

Instructions to interviewers: To determine how employers handle notices and how the TNC process impacts employees, suggested questions are:

32. From your experience and observation, what is an employee's general reaction when he/she receives a notice of TNC? Is the person scared, nervous, embarrassed, or does he/she not seem to care about it?
33. How often do your employees quit or simply not return to work once they have received a TNC finding? Do they tell you why they are quitting? Do they simply walk out or do they not return to work (e.g., after lunch or the next day)?
34. Do you think that all of the employees who don't contest do not contest because they are not work-authorized or do some work-authorized employees just not want to go through the process of contesting the finding with the SSA or USCIS? Please explain.
35. Do you encourage employees to contest the TNC finding if they indicate that the finding is incorrect? If not, why not?
36. If an employee decides not to contest, do you [fire the person/tell the person that you cannot hire him/her]?

37. Do you think that the employees understand the content and technical terms written in the notice?
38. Do you provide Spanish speaking employees with the Spanish version of the TNC notice?
39. If you do not provide the Spanish version of the TNC, does someone who speaks Spanish explain the content of the TNC to the employee in Spanish?
40. What do you do for employees who do not speak either English or Spanish?
41. Do you think that employees who receive a TNC finding and do not speak much English understand what the notice means?
42. Do you think that work-authorized employees who receive a TNC finding from SSA are hesitant to go to the SSA to correct their records? If so, why?
43. Do you think that work-authorized employees who receive a TNC finding from USCIS are hesitant to call USCIS to correct their records? If so, why?
44. Any other questions that can help uncover the psychological burden on the employee of receiving a TNC.

Focus question 4:

- a. Does the employer give the employees/job applicants all the information necessary for contesting? If not, why not?
- b. What is the impact on the employer when an employee/job applicant decides to contest a TNC finding?
- c. Does the employer take adverse actions against employees who decide to contest the TNC? If so, what adverse actions do they take? Why do they do this?

4a. Referral process for contesting the TNC

Instructions to interviewers: Suggested questions to ask an employer on this part are:

SAY TO EMPLOYER:

Next I am interested in hearing about what happens when employees decide to contest their tentative nonconfirmation findings.

45. When an employee decides to contest a TNC finding, what do you believe the employer is supposed to do, or not do? (*Note to interviewers: If the employer cannot answer, you may probe with a hint. For example, what information and forms should the employer give the employee?)*
46. Are there ever any times when you do not or cannot follow the procedures for referring employees to the SSA or USCIS? What do you do instead? How frequently does this happen? Do you think that the procedures should be changed at all? If so, how?
47. In the past year, about what percent of your employees who receive TNCs have decided to contest TNC findings after you have notified them of the TNC finding and told them of their right to contest?
48. Do you think that your employees understand what the referral letter is and what it says? Do you try to find out whether or not the employees understand? How do you find out?

49. Do you explain the content of the letter or technical terms to the employee if he/she does not understand? How do you usually do it?
50. How often do your employees ask you questions if they do not understand? How do you answer them?
51. Do you think that the employees understand what you tell them about how to correct their SSA/USCIS records?
52. Do you tell your employees how many days they have to contact SSA/USCIS? What number of days do you usually tell them?
53. Do you tell your employees that they will [lose the job/not get the job] if they don't correct their records? If not, why not?
54. Any other questions that can help answer the focus question in this section.

4b. Impact on the employer when their employees decide to contest their TNC findings

Instructions to interviewers: Suggested questions are:

55. Does it negatively affect you as the employer when an employee decides to contest a TNC finding? If so, how?
56. Do you give your employees time off to correct their paperwork? If so, is this paid or unpaid time off?
57. Do you provide employees with help in contesting their TNC finding? With what? (e.g., access to a phone or fax machine)
58. Does providing assistance to employees who contest a TNC finding ever become a problem for you? (If so) please explain.
59. What are your approximate costs when an employee contests his/her tentative nonconfirmation finding?
60. Have any of your employees told you about their experiences contesting the TNC with SSA or USCIS? What have they told you about the process?

4c. Does the employer take adverse actions against employees who decide to contest the TNC? If so, what kind of actions?

Instructions to interviewers: Below are some suggested questions that you may ask of the employer to determine how the employer treats employees who are trying to contest a TNC finding:

61. Would you share with me your understanding of what you should and should not do when an employee decides to contest a TNC? [PROBE IF NECESSARY] For example, can you withhold training during this time, should you pay the employee for time missed from work in order to contest, should these employees receive different assignments, etc?

[Note To Interviewers: Ask questions 62-66 only if you believe they have not been covered by the previous questions.]

62. Do you always follow these procedures or do you find some of them impractical? (If the employer deviates from the procedures) Please explain.
63. Does complying with the procedures for following up on whether or not an employee has been work-authorized after contacting SSA cause any problems or burdens for you or your employees? Please explain.
64. Does complying with the procedures for following up on whether or not an employee has been work-authorized after contacting USCIS cause any problems or burdens for you or your employees? Please explain.

65. Do you think any of these procedures governing how employers treat employees during the time they are contesting cases should be changed? (If so) What changes are needed? Why?
66. Any other questions that can help uncover any adverse actions the employer takes against employees while they are resolving their problems.

Focus question 5:

What is the establishment's general practice for handling the TNC cases when an employee decides not to contest or is not found to be work-authorized?

Does the employer terminate employees' employment promptly?

***Instructions to interviewers:** When SSA or USCIS makes a final resolution that an employee is not work-authorized (Final Nonconfirmation), find out if the employer usually terminates the employee's employment. If not, try to find out why not. Questions that might help would be:*

SAY TO EMPLOYER:

Finally, I would like to hear about what happens when an employee's paperwork goes unresolved.

67. Would you share with me your understanding about what you should do when an employee informs you that he/she went to SSA? (If the employer resubmits the case to the WBP) What should you do if the WBP is still unable to verify that the employee is eligible to work?
68. What should you do if the employee never informs you that he/she has contacted SSA?
69. Would you share with me your understanding about what you should do when you are notified by USCIS that an employee has received a final nonconfirmation or is not work-authorized?
70. Do you always follow these procedures as you understand them or do you find some of them impractical? (If the employer deviates from the procedures) Please explain?
71. When do you normally terminate employees if they are not work-authorized? (e.g., immediately, at the end of the day, at the end of the week, at the end of the project)

72. Does complying with the procedures for following up on whether or not an employee has been work-authorized after contacting SSA cause any problems or burdens for you or your employees? Please explain.
73. Does complying with the procedures for following up on whether or not an employee has been work-authorized after contacting USCIS cause any problems or burdens for you or your employees? Please explain.
74. Do you think any of these procedures governing how you treat employees during the time they are contesting cases should be changed? (If so) What changes are needed? Why?
75. Any other questions that can help answer the focus question.

☞ IF THE EMPLOYER HAS NEVER HAD AN EMPLOYEE QUIT OR HAS NEVER FIRED AN EMPLOYEE BECAUSE OF THE WBP, GO TO CONCLUDING QUESTIONS.

Focus question 6:

What is the impact on the employer of losing the services of employees who quit or are fired because of the WBP?

SAY TO EMPLOYER: This section is about your experiences when employees quit or have their employment terminated because of the WBP.

Instructions to interviewers: You may need to modify the questions based on what employers have already said. Suggested questions to ask for this focus question are:

76. When you need to terminate the employment of employees who are not verified or they quit because they are not verified, do you incur costs for hiring and training replacement employees? If so, how much do you estimate it costs you for each new employee you must hire and train?
77. Have you had to have other employees work over-time while you were short-of-staff because non-verified employees have stopped working for you? If so, how much more do you have to pay to get the job done because you are using over-time rather than paying regular rates?
78. Have you experienced any other disruptions to your operations or problems because you have lost these employees? If so, what were these? What were the costs of these disruptions?
79. Do you have any suggestions of ways that the WBP could be changed to lessen the costs of losing non-verified employees, while still protecting employee rights?

Observation of WBP System Application

Instructions to interviewers: Please observe the following items and check as “Observed,” “Reported,” or “Not Observed or Reported” in the appropriate box. If you observe an item, check the box under “Observed.” If you cannot observe an item and have to solicit the answer from the employer, check the box under “Reported.” Otherwise, check the box under “Not Observed or Reported.” At the end of the observation, write down any additional comments or observations you may have relating to this topic. If appropriate, include in your comments an explanation of why you were not able to observe the verification and/or ask about the procedures.

1. Were you able to observe verification in process? yes no
2. Were you able to ask about verification procedures? yes no

[Note: You may get answers for questions in Item 3 first from the employer’s interview. If not observed from the record review, then ask the staff members. Please note that what is described in items *a* to *f* are incorrect practices.]

	Observed	Reported	Not Observed Or Reported
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3. The employer
- | | | | |
|--|--------------------------|--------------------------|--------------------------|
| a. Makes verification inquiries <u>after</u> three days of job offer | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Verifies only a subgroup of new hires instead of all of them | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Re-verifies employment authorization for some previously verified employees | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Prescreens applicants for employment | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Verifies employees hired before the establishment participated in the study | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Verifies an employee before his/her Form I-9 is completed | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Other (specify) _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

	Observed	Reported	Not Observed Or Reported
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4. The instructions for using the pilot system were located
- a. In a locked drawer or other secure location
 - b. Out-of-sight, but not in a secure place (e.g., unlocked drawer)
 - c. In plain sight, but not next to a computer (e.g., in book case)
 - d. In plain sight, next to computer
 - e. Other (specify) _____
5. The password for using the pilot system was located
- a. In locked drawer or other secure location
 - b. Out-of-sight, but not in a secure place (e.g., unlocked drawer)
 - c. In plain sight, but not next to a computer (e.g., in book case)
 - d. In plain sight, next to a computer
 - e. Not seen – clerk had password memorized
 - f. Other (specify) _____

[Note: For some of the questions below, you may have to ask the person performing data entry.]

6. The clerk can
- a. connect to the system on the first try
 - b. connect to the system after 2 – 4 tries
 - c. connect to the system after 5 or more tries
 - d. not open the system
7. The system does not allow the staff to go back to preceding screens.
8. The system does not have error messages to inform the staff when the person makes obvious data entry errors such as inputting a date of February 30.....
9. It's time consuming to verify a case.

Comments:

Observation of Basic Pilot Notice

Instruction to interviewer: Look for the sign when you enter the establishment. If you don't notice it, tell the employer that you would like to see the notice sign.

Please observe the following items and check as "Observed," "Reported," or "Not Observed or reported" in the appropriate box. If you cannot find an item and receive the answer from the employer, check the box under "Reported." At the end of the observation, write down any additional comments or observation you may have relating to this topic.

	Observed	Reported	Not Observed Or Reported
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- | | | | |
|---|--------------------------|--------------------------|--------------------------|
| 1. The Web-based Basic Pilot notice is placed | | | |
| a. Where it can be easily noticed by applicants (e.g., by itself on a wall next to the reception desk) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Where some applicants may be able to notice it (e.g., on a bulletin board next to the reception desk with three or four other notices) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Where it is unlikely to be noticed by applicants (e.g., far from the reception desk or with a large number of other notices) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Not posted anywhere | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Other (specify) _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. The notice is in both English and Spanish. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments:

Logistical Questions for Employee Interviews

This is the last section of the interview with the employer. ASK THE QUESTIONS IN THIS SECTION ONLY IF THE EMPLOYER SEEMS VERY COOPERATIVE, PREFERABLY AFTER REVIEWING THE EMPLOYEE FILES.

Instructions to interviewers: If the employer has a suitable place for conducting employee interviews, it would simplify the task of interviewing employees if the interviews could be performed on site for employees who still work at the establishment. However, this should not be explored unless you are confident that it won't create rapport problems with the employer. If you think the employer might be willing to do this:

- *Explain that we are planning to interview up to 20 employees whose records we are looking at and that we are prepared to contact them at their homes.*
- *Tell the employer, for employees who are still employed here, it would be helpful if you could do some of the interviews during non-work hours at the employer's establishment.*
- *Ask:*

1. Do you have a room/office that you would be willing to let us use to conduct interviews with current employees where others will not be able to overhear the interview?
2. (If yes) When is the best time to interview the person? (Probe: at the beginning of the day, lunch hour, right after the work, during the working day)

Closure

Instructions to interviewers: At the end of the interview,

- *ask if the employer has any questions about the interview or anything he/she wants to share with you related to the WBP process or issues;*
- *answer the questions as best you can;*
- *thank the employer again for his/her time and for agreeing to talk with you;*
- *tell the employer that you may want to consult/interview him/her again later during your visit if any other questions arise; and*
- *give the employer the \$100 check.*

~ END OF INTERVIEW ~

Questions to be Completed By the Interviewer after the Interview

Right after you finish the interview you need to complete an evaluation about the interview when your impression is still fresh. The evaluation includes the following five questions:

1. How many staff members did you speak with to complete the interview? _____

2. What were their titles?

3. Does the employer follow all of the WBP procedures in hiring and verifying their employees?

Yes___ No___

If you answered “No” to Question 3, please explain. (Be specific about what procedures, if any, were not followed.):

4. How confident are you of your answer to 3?

very sure somewhat sure somewhat unsure very unsure

